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Attorneys for Claimant  
VICTOR STRAUSS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of the Petition of	)	
DANIEL FLORIO, as Owner of the	)	
Motor Yacht 'CAROLE JAYE', for Exon-	)	Civil Action No.: 12 CV 5838 (BSJ)
eration from or Limitation of Liability.	)	
	)	

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**NOTICE OF MOTION TO DISMISS FOR LACK OF**  
**SUBJECT MATTER JURISDICTION**

PLEASE TAKE NOTICE pursuant to Federal Rule of Civil Procedure 12(b)(1) upon the accompanying Memorandum of Law, and all prior pleadings and proceedings herein, Claimant Victor Strauss will move before the Honorable Barbara S. Jones at the United States Courthouse, 500 Pearl Street, New York, for an Order dismissing the Petition of DANIEL FLORIO, as Owner of the Motor Yacht "CAROLE JAYE", for Exoneration from or Limitation of Liability due to lack of subject matter jurisdiction, dissolving the restraining order that has been entered, and for such other and further relief as this Court deems just and proper.

Dated: October 2, 2012  
New York, NY

HARRY R. HOWARD, ESQ.  
Attorneys for Claimant  
Victor Strauss

By: \_\_\_\_\_(s)\_\_\_\_\_  
HARRY R. HOWARD (HH6531)

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To: KENNEDY LILLIS SCHMIDT & ENGLISH  
Attorneys for Petitioner DANIEL FLORIO  
75 Maiden Lane, Suite 402  
New York, New York 10038-4816  
Attention: John T. Lillis, Jr. Esq.

**CERTIFICATION OF SERVICE**

I hereby certify that on October 2, 2012 a copy of the foregoing NOTICE OF MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.

\_\_\_\_\_(s)\_\_\_\_\_

Harry R. Howard